FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2007 DEC 18 AM 9:21

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No. '07 MJ 2922
v.	COMPLAINT FOR VIOLATION OF
Albert Jesus ARMENTA Defendant.	Title 8, U.S.C., Section 1324(a)(2)(B)(iii) - Bringing in Illegal Alien Without Presentation

The undersigned complainant being duly sworn states:

On or about **December 17, 2007**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Albert Jesus ARMENTA**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Jorge MARTINEZ-Arguello** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th** DAY OF **December, 2007**.

UNITED STATES MAGISTRATE JUDGE

GVM

PROBABLE CAUSE STATEMENT

The complainant states that **Jorge MARTINEZ-Arguello** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 17, 2007, at approximately 0450 hours, **Albert Jesus ARMENTA (Defendant)** made application for admission into the United States from Mexico at the San Ysidro Port of Entry vehicle entrance lane 22. Defendant was the driver and sole visible occupant of a white 1996 Chevrolet 3500 Silverado pickup truck. A United States Customs and Border Protection (CBP) Canine Officer was performing pre-primary roving operations when his Human/Narcotics Detector Dog (H/NDD) alerted to the Chevrolet Silverado pickup. A CBP Officer assisting the Canine Officer approached the vehicle and initiated an inspection. Defendant told the officer he has owned the vehicle for a few months, that he was going to work in San Diego and that he was not bringing anything from Mexico. The CBP Officer discovered a non-factory compartment affixed to the vehicle's undercarriage. The Defendant and vehicle were escorted to secondary inspection.

In secondary, CBP officers lifted an area of the interior floor and discovered two males concealed in a non-factory compartment. CBP officers extracted the males who were determined to be citizens of Mexico without entitlements to enter the United States. One of the males is now identified as **Jorge MARTINEZ-Arguello (Material Witness)**.

A videotaped interview was conducted with Material Witness. Material Witness declared he is a citizen of Mexico without legal rights to enter into the United States. Material Witness stated he was going to pay $3,500.00 U.S. dollars to be smuggled into the United States. Material Witness stated he intended to travel to Oregon to seek employment.

SIGNATURE OF COMPLAINANT
Sara Esparragoza, United States Customs
and Border Protection Enforcement Officer

UNITED STATES MAGISTRATE JUDGE